

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

IN RE THE WENDY'S COMPANY
SHAREHOLDER DERIVATIVE ACTION

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) **CASE NO: 1:16-cv-01153-TSB**
) **JUDGE TIMOTHY S. BLACK**
)
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**PLAINTIFF THOMAS CARACCI'S MOTION FOR LEAVE TO FILE
UNDER SEAL HIS OBJECTION TO PROPOSED SETTLEMENT AND
FOR RELIEF FROM THE MEDIATION PRIVILEGE**

Plaintiff Caracci, by and through his undersigned counsel, hereby respectfully moves the Court for order(s) granting him: (i) leave to file under seal his objection (the "Objection") to the proposed settlement (the "Proposed Settlement") detailed in Plaintiff Graham's forthcoming Motion for Final Approval of Derivative Litigation Settlement; and (ii) relief from imposition of the mediation privilege. The Motion is based on the accompanying Memorandum of Law, the complete files and records in this consolidated derivative action, and such oral argument as the Court may deem necessary and consider in deciding this Motion.

Dated: July 16, 2021

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Respectfully submitted,

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*Local Counsel for Plaintiff Thomas
Caracci*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 16, 2021, a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record registered to receive electronic service by operation of the court's electronic filing system.

s/ Richard L. Norton
Richard L. Norton